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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

AMANDA BANTA, SHARP  
SHOOTING INDOOR RANGE &  
GUN SHOP, INC., THE RANGE, LLC,  
AERO PRECISION, LLC, and  
NATIONAL SHOOTING SPORTS  
FOUNDATION, INC..

## Plaintiffs,

V.

ROBERT W. FERGUSON,  
ATTORNEY GENERAL OF THE  
STATE OF WASHINGTON; and  
JOHN R. BATISTE, CHIEF OF THE  
WASHINGTON STATE PATROL.

### Defendants.

No. 2:23-cv-00112-MKD

**JOINT MOTION TO EXCEED  
PAGE LIMITS AND EXTEND  
DEADLINES FOR MOTION FOR  
PRELIMINARY INJUNCTION  
AND RELATED BRIEFING**

06/01/2023  
Without Oral Argument

Plaintiffs Amanda Banta, Sharp Shooting Indoor Range & Gun Shop, Inc., The Range, LLC, Aero Precision, LLC, and the National Shooting Sports Foundation, Inc. (collectively, “Plaintiffs”) challenge Washington’s newly enacted assault weapons ban, HB 1240, under the Second Amendment. Plaintiffs and Defendants Attorney General Robert Ferguson and Washington State Patrol Chief

## **JOINT MOTION TO EXCEED PAGE LIMITS AND EXTEND DEADLINES- 1**

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1 John R. Batiste (collectively, “Parties”) bring this joint motion regarding Plaintiffs’  
 2 planned motion for a preliminary injunction.

3 Plaintiffs intend to file a Motion for Preliminary Injunction in this matter and  
 4 Defendants intend to oppose it. The Parties anticipate needing more than the 10  
 5 pages allowed under LCR 7(f)(2)–(3) to adequately address the legal standard for  
 6 seeking a preliminary injunction. The Parties jointly request, pursuant to LCR  
 7 7(f)(5), that the Court expand the page limits for Plaintiff’s Motion for Preliminary  
 8 Injunction, Defendant’s Response, and Plaintiff’s Reply, for the reasons and in the  
 9 manner set forth below.

10 Plaintiffs’ Motion (and subsequent briefing) will involve a preliminary  
 11 examination of the merits of Plaintiffs’ claims. The U.S. Supreme Court recently  
 12 established a new test for evaluating state firearm regulations under the Second  
 13 Amendment. *N.Y. State Rifle & Pistol Ass’n, Inc. v. Bruen*, 142 S.Ct. 2111, 2127  
 14 (2022). The Supreme Court rejected the two-part test adopted by a majority of the  
 15 circuit courts of appeals (including the Ninth Circuit). *Id.* at 2126. Instead, under  
 16 the test enunciated in *Bruen*, the first question is whether “the Second Amendment’s  
 17 plain text covers an individual’s conduct” as relevant to the regulation. *Id.* If the  
 18 Second Amendment covers the prohibited conduct, the regulation may be upheld  
 19 only if it is “consistent with this Nation’s historical tradition of firearm regulation.”  
 20 *Id.*

21 To evaluate whether the New York State regulation at issue in *Bruen* met the  
 22 second part of this test, the Supreme Court surveyed hundreds of years of history  
 23 from 1285 (*id.* at 2139) to the present. Given the expansiveness and complexity of  
 24 the analysis contemplated by *Bruen*, and the lack of controlling precedent applying  
 25 it, the 10 pages allowed by LCR 7(f) is not adequate to brief Plaintiffs’ likelihood of

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1 success on the merits along with the remaining preliminary injunction factors.  
2 Defendants will likewise need adequate space to adequately address these issues and  
3 respond to Plaintiffs' arguments.

4 Accordingly, the Parties have conferred and jointly submit that good cause  
5 exists to modify the page limits as indicated below, and respectfully ask the Court  
6 to grant the following page limits:

- 7 • Plaintiffs' Motion for Preliminary Injunction: 25 pages
- 8 • Defendants' Response: 25 pages
- 9 • Plaintiffs' Reply: 13 pages

10 Pursuant to LCR 7(c)(2)(B) and LCR 7(d)(2)(B), a response shall normally be  
11 filed within 14 days after the filing of a nondispositive motion, and a reply shall  
12 normally be filed within 7 days after the filing of the response. The Parties have  
13 conferred and jointly request that the Court extend the time for the Parties to file  
14 response and reply briefs, as detailed below:

- 15 • Defendants' Response to be due 28 days after the filing of Plaintiffs'  
16 Motion for Preliminary Injunction;
- 17 • Plaintiffs' Reply to be due 14 days after the filing of Defendants'  
18 Response;
- 19 • The date of the hearing for Plaintiffs' Motion should be at least 49 days  
20 after the motion's filing.

21 For the foregoing reasons, the Parties respectfully request that the Court grant  
22 their joint motion.

DATED this 2nd day of May, 2023.

CORR CRONIN LLP

s/ Steven W. Fogg

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## JOINT MOTION TO EXCEED PAGE LIMITS AND EXTEND DEADLINES- 4

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## CERTIFICATE OF SERVICE

I hereby certify that on (Date), I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice.

DATED at Seattle, Washington on 2nd day of May, 2023.

s/ Megan Johnston

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## **JOINT MOTION TO EXCEED PAGE LIMITS AND EXTEND DEADLINES- 6**

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